



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dane et al.

Application No. 09/879,828

Filed: June 11, 2001

Confirmation No. 3471

For: INTERFACE BASED DESIGN USING A
TABULAR PARADIGM

Examiner: Stacy Whitmore

Art Unit: 2812

Attorney Reference No. 1011-64530-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)Date Mailed October 27, 2004

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed is a response to Office communication for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims		- 33*	=	\$18.00	\$ 0.00
Indep. Claims		9**	=	\$88.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)				\$300.00	
One-month Extension of Time				\$110.00	
Two-month Extension of Time				\$430.00	
Three-month Extension of Time				\$980.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

* greater of twenty or number for which fee has been paid.

** greater of three or number for which fee has been paid.

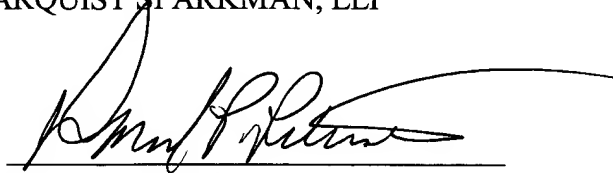
☒ No additional fee is required.☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

A handwritten signature in black ink, appearing to read "David P. Petersen", written over a horizontal line.

David P. Petersen

Registration No. 28,106

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cc: Client
Docketing

GP 2812
Jh

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Attorney
for Applicant(s)

A handwritten signature of the attorney, appearing to be "Daniel H. Peters".

Date Mailed October 27, 2004

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RESPONSE

This responds to the Office action dated 09/28/2004. Claims 1-33 are pending in the application. The Examiner has divided the claims into three groups and required a restriction to one group under 35 U.S.C. § 121. Table 1 shows the claim groups as currently restricted by the Examiner.

Group I	Claims 1-8, 12-19 and 23-30
Group II	Claims 9-10, 20-21 and 31-32
Group III	Claims 11, 22 and 33

Table 1(Current Restrictions)

Applicant provisionally elects group I with traverse. Under C.F.R §143, however, the Applicants respectfully request reconsideration of the restriction requirement. The Examiner contends that the application "contains claims directed to ...patentably distinct species." The Examiner provides no reasoning in support of his contention that the groups as restricted above

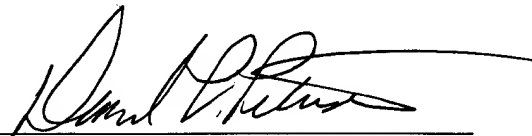
are "distinct." However, according to MPEP § 808.02 "where the related inventions as claimed are shown to be distinct under the criteria of MPEP § 806.05(c) – § 806.05(i), the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereof (B) a separate status in the art when they are classifiable together" and "(C) a different field of search." The Examiner fails to provide any of the above-listed rationale for his restriction.

Furthermore, according to MPEP § 803 "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants have reviewed the claims and have concluded that all of the claims should be examined. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


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